

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JAMES WILLIAMS, CHISTI WILLIAMS,
AND SHELBY WILLIAMS
Plaintiffs,

V.

BLT LOGISTICS, INC. AND
GURMINDER SINGH BAHY
Defendants.

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Civil Action No. 5:15-cv-836

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COME NOW Defendants, BLT Logistics, Inc. and Gurminder Singh Bahy (hereinafter, “Defendants”) and file their Notice of Removal, and would respectfully show unto the Court as follows:

PROCEDURAL HISTORY

1. Plaintiffs filed suit in Cause No. 2015CI09167, in the 225th Judicial District Court of Bexar County, Texas on or about June 4, 2015. Defendant BLT Logistics, Inc. was served on July 17th, 2015, and filed an answer on August 20, 2015. Defendant Gurminder Singh Bahy accepted service and filed a timely answer on August 21, 2015. Plaintiff’s Original Petition provided no amount of recovery sought, and the police report from the accident scene listed all Plaintiffs as having no injuries.

2. On August 28, 2015, Defendants filed special exceptions, requesting that Plaintiffs amend their Petition to indicate the amount of recovery being sought. After hearing, Defendants’ motion was granted. In response, Plaintiffs filed their First Amended Original Petition, a true copy of which is attached hereto as Exhibit A and is incorporated herein by this

reference. This First Amended Petition was filed on September 22, 2015, and gave a total amount of recovery sought at “in excess of \$1 million.”

3. Defendants have therefore filed this Notice of Removal within the time period required by 28 U.S.C. § 1446(b). *See Villasana v. Bed Bath & Beyond, Inc.*, 502 F. Supp. 528, 530-31 (W.D. Tex. 2007) (regarding indeterminate pleadings on damages); *see generally Simon v. Wal-Mart Stores, Inc.*, 193 F.3d 848 (5th Cir. 1999).

NATURE OF THE SUIT

4. Plaintiffs allege that on or about October 5, 2014, they sustained damages as a result of a motor vehicle collision that occurred in Bexar County, Texas.

5. According to Plaintiffs’ Original Petition and First Amended Petition, Plaintiffs are citizens of the State of Texas who reside in Bexar County, Texas.

6. At the time of the filing of the Defendants’ Notice of Removal, Plaintiffs are citizens of the State of Texas.

7. At the time of the subject accident, at the time of the filing of Plaintiffs’ Original Petition and at the time of the Defendants’ Notice of Removal, Defendant Gurminder Singh Bahy was a citizen of the State of California, with a domicile at 4617 Blossom Ranch Drive, Elk Grove, Sacramento County, California, 95757. He was employed in California and received his mail and paychecks there. *See* Affidavit of Tejinder Singh Hundal, attached hereto as Exhibit B and incorporated herein by this reference. *See also* Plaintiff’s First Amended Original Petition (Exhibit A).

8. At the time of the subject accident, at the time of the filing of Plaintiffs’ Original Petition, Defendant BLT Logistics, Inc. was a company with its principal place of business at

1506 Vandalay Court, Ceres, California 95307. *See* Exhibit B; *see also* Plaintiff's First Amended Original Petition.

9. At the time of the subject accident, at the time of the filing of Plaintiff's Original Petition and at the time of the Defendants' Notice of Removal, Defendant BLT Logistics, Inc. was a company incorporated under the laws of the State of California and whose principal place of business is in the State of California. Defendant BLT Logistics, Inc. maintains its citizenship in the State of California. *See* Exhibit B.

BASIS FOR REMOVAL

10. Removal is proper because there is complete diversity of citizenship between Plaintiffs and Defendants.

11. Plaintiffs are individuals who at the time of the subject accident, at the time the lawsuit was filed, and at the time of the Defendants' Notice of Removal were residing in Bexar County, Texas and are citizens of the State of Texas.

12. Defendant Gurminder Singh Bahy is an individual who at the time of the subject accident, at the time the lawsuit was filed and at the time of the Defendants' Notice of Removal was a resident of Sacramento County, California and a citizen of the State of California. Further, at all relevant times, Defendant Gurminder Singh Bahy established his citizenship in the State of California by maintaining employment in the State of California and by filing both his State and Federal Income Tax returns in the State of California.

13. Defendant BLT Logistics, Inc. is a company who at the time of the subject accident, at the time the lawsuit was filed and at the time of the Defendants' Notice of Removal was incorporated under the laws of the State of California, whose principal place of business was maintained in the State of California and whose citizenship was in the State of California.

14. As shown on the face of the Plaintiff's First Amended Petition, the amount in controversy exceeds \$75,000.00, exclusive of interests, costs, and attorneys' fees.

VENUE AND JURISDICTION

15. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

16. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. § 1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$75,000.00, exclusive of interest and costs.

**DEFENDANT'S NOTICE OF REMOVAL
IS PROCEDURALLY CORRECT**

17. Defendants have attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (*See* Exhibit C, Index of Matters Being Filed)

JURY DEMAND

18. Plaintiff made a demand for a jury trial in State District Court. Defendants BLT Logistics, Inc. and Gurminder Singh Bahy also made a demand for a jury trial in State District Court.

NOTICE TO STATE COURT

19. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

CASTAGNA SCOTT LLP
1120 S. Capital of Texas Highway
Bldg. 2, Suite 270
Austin, Texas 78746
512/329-3290
888/255-0132 (Facsimile)

By: /s/ Lynn S. Castagna
Lynn S. Castagna
State Bar No. 03980520
Lynn@texasdefense.com
Steven B. Loomis
State Bar No. 00793177
Loomis@texasdefense.com

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing and has been sent via facsimile to the following:

VIA FACSIMILE: 210/656-1001

Dale Hicks
LAW OFFICES OF THOMAS J.
HENRY
4715 Fredericksburg Road, Suite 520
San Antonio, Texas 78229

in accordance with the Federal Rules of Civil Procedure, on this 24th day of September, 2015.

/s/ Lynn S. Castagna
Lynn S. Castagna